

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF TELECOMMUNICATIONS)	
SERVICES BY AMERICALL DIAL-O)	
SERVICES, INC.)	
_____)	CASE NO.
)	90-001
ALLEGED VIOLATIONS OF KRS CHAPTER 278)	

O R D E R

On June 14, 1990, AmeriCall Dial-O Services, Inc. ("Dial-O") filed an application for rehearing of the May 25, 1990 Order pursuant to KRS 278.400. Dial-O has raised two issues in its application.

First, Dial-O requests that the Commission rehear the issue of whether Dial-O is a utility as defined by KRS 278.010(3)(e) and (9). In support of its application, Dial-O cites its March 19, 1990 post-hearing brief.

The Commission, having considered Dial-O's request for rehearing on the issue of whether it is a utility and having been otherwise sufficiently advised, finds that it should be denied. Dial-O failed to offer any additional law or facts and, instead, merely directs the Commission to its previously filed brief. The Commission has carefully considered each issue contained in the March 19, 1990 brief and the Commission's determinations are contained in the May 25, 1990 Order.

Second, Dial-O requests that the Commission rehear the determination that Dial-O committed at least 293 separate offenses in violation of KRS 278.160 and that it must pay a penalty for each offense. In support of its request, Dial-O asserts that the Commission's determinations were unlawful and unreasonable and were not reflected in the record. Further, Dial-O asserts that the imposition of a penalty was "outrageous" since Dial-O relied upon determinations made in Case No. 10162.¹

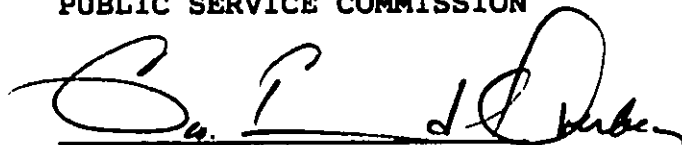
The Commission, having considered Dial-O's request for rehearing on the issue of penalties and having been otherwise sufficiently advised, finds that it should be denied. Dial-O offered no additional evidence. Further, the Commission states that the record in this proceeding fully supports the findings concerning Dial-O. Dial-O's comparisons between the findings in the May 25, 1990 Order and the findings in Case No. 10162 are incongruous in light of the factual dissimilarities between VeriCall Services, Inc.'s assertions in Case No. 10162 and the facts of Dial-O's operations.

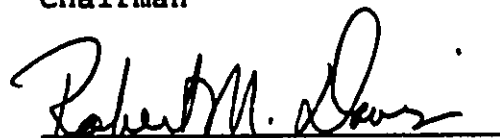
IT IS THEREFORE ORDERED that Dial-O's application for rehearing be and it hereby is denied.


¹ Case No. 10162, Application of VeriCall Services, Inc. for the Issuance of a Certificate of Public Convenience and Necessity to Operate as a Reseller of Telecommunications Services Within the Commonwealth of Kentucky.

Done at Frankfort, Kentucky, this 22nd day of June, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director